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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,850	09/26/2003	Mark E. Salvati	LD0275A CIP	1285

23914 7590 10/22/2004

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EXAMINER

HABTE, KAHSAY

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,850

Applicant(s)

SALVATI ET AL.

Examiner

Kahsay Habte, Ph. D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6 (in part), 7-9, 10 (in part) and 15 (in part), drawn to pyrrolopyridazine compounds (bicyclic), simple composition and method of use (i.e. R₁, R₂ and X taken together don't form a ring), classified in class 544, subclass 235.
 - II. Claims 1-6 (in part), 10 (in part) and 15 (in part), drawn to pyrrolopyridazine compounds fused to a heterocyclic ring (tricyclic), simple composition and method of use (i.e. R₁, R₂ and X taken together form a heterocyclic ring), classified in class 544, subclass various.
 - III. Claims 1-6 (in part), 10 (in part) and 15 (in part), drawn to pyrrolopyridazine compounds fused to form an aryl or a cycloalkyl ring (tricyclic), simple composition and method of use (i.e. and R₁, R₂ and X are taken together form an aryl or a cycloalkenyl ring, X = a bond, CH₂ or CO), classified in class 544, subclass 234.
 - IV. Claims 11-14 and 16-20, drawn to a complex composition of pyrrolopyridazine compounds and method of use, classified in class 514, subclass various.

The inventions are distinct, each from the other because of the following reasons:

Groups I-III are different from Group IV, since Groups I-III are drawn to a simple composition and Group V is drawn to a complex composition. Group I is drawn to

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pyrrolopyridazine compounds (bicyclic), simple composition of pyrrolopyridazines and method of use and is different from Groups II-III, since it is drawn to a pyrrolopyridazine compounds (i.e. R_1 , R_2 and X taken together don't form a ring). Group II is drawn to pyrrolopyridazine compounds fused to a heterocyclic ring (tricyclic) and is different from Groups I, III and IV (i.e. R_1 , R_2 and X taken together form different heterocyclic groups, e.g. morpholino, thiomorpholino, pyrido). Group III is also different from Groups I-II and IV, since it is drawn to a tricyclic pyrrolopyridazine compounds (X = a bond, CH_2 or CO; a non-heterocyclic ring is fused to the pyrrolopyridazine ring). Group IV is drawn to a complex composition of pyrrolopyridazine compounds and method of use. Group IV has an additional ingredient (therapeutic agent) that is not present in Groups I-III. This is because of the possibility of synergistic interaction, which is usually the purpose of the complex composition in the first place. Groups I-III and IV are directed to group of compounds that have different composition and do not belong to the same recognized class of chemical compounds in the art, and references anticipating one invention, would not render obvious the others. Each group have a different class and subclass and are made and used independently of each other and could support separate patents. One skilled in the art would not consider such diverse special technical features equivalents of each other.

Because these inventions are distinct for the reasons given above and have acquired separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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If applicants elect Group II or Group III, a tentative election of species is required. If applicants elect Group IV, a tentative election of species and one additional ingredient is required.

A telephone call was made to Mr. Elliot Korsen on Sept. 29, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (571) 272-0667. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on (571) 272-0674, if there is no reply within 24 hours, James Wilson (Acting SPE) can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

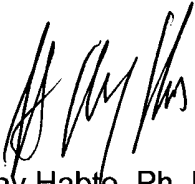
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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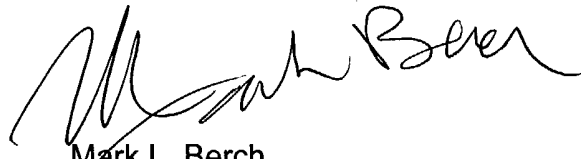
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.



Kahsay Habte, Ph. D.
Examiner
Art Unit 1624



Mark L. Berch
Primary Examiner
Art Unit 1624

KH
October 20, 2004